

**FOR THE DISTRICT OF COLUMBIA**

**UNITED STATES OF AMERICA**

**v.**

**CONCORD MANAGEMENT AND  
CONSULTING LLC,**

**Defendant.**

**Crim. No. 18-CR-32-2 (DLF)**

**FILED EX PARTE AND UNDER SEAL**

**GOVERNMENT'S SUPPLEMENTAL NOTICE  
REGARDING SUPERSEDING INDICTMENT**

On October 25, 2019, the United States of America filed notice of its intent to seek a superseding indictment in the above-captioned matter. In response to that notice, the Court issued a Minute Order directing the government to provide additional information regarding: (1) how a superseding indictment would impact the pending Motion to Strike Surplusage [ECF No. 208], Motion to Dismiss Count One of the Indictment [ECF No. 210], Motion for Disclosure of Grand Jury Instructions [ECF No. 217], and the April 6, 2020 trial date; (2) whether the government anticipates adding additional defendants; and (3) whether the government is seeking to add charges or to expand the conspiracy [REDACTED]

[REDACTED]. Accordingly, the government hereby supplements its Notice Regarding Superseding Indictment.

As stated in its original notice, the government is seeking a superseding indictment following the Court's denial of its motion to clarify or reconsider the Court's memorandum opinion denying the motion of defendant Concord Management and Consulting LLC to dismiss Count One of the Indictment. In light of the Court's decision, the government intends to ask the Grand Jury to issue a superseding indictment that alleges a conspiracy to interfere with more than

one lawful function of the Federal Election Commission (“FEC”); that is, that the defendants not only conspired to interfere with the enforcement of the disclosure requirements set forth in the Federal Election Campaign Act, but that they also conspired to interfere with the related FEC function of enforcing the statutory ban on certain expenditures by foreign nationals. The government does not intend to seek a superseding indictment that adds defendants or charges or that expands the conspiracy [REDACTED]

Accordingly, the government does not anticipate that a superseding indictment would affect the April 6, 2020 trial date. Similarly, since the contemplated superseding indictment would leave substantially unaltered most if not all of the language challenged by Defendant Concord in its Motion to Strike Surplusage [ECF No. 208], it likely would not impact the Court’s resolution of that motion. As the contemplated superseding indictment would alter or supplement the language with respect to the lawful government functions that the defendants allegedly conspired to impede, and since the government would need to re-instruct the Grand Jury before seeking a superseding indictment, the superseding indictment might impact Defendant Concord’s Motion to Dismiss Count One of the Indictment [ECF No. 210], to which the government has responded, and its Motion for Disclosure of Grand Jury Instructions [ECF No. 217], to which the government has not responded. Given that a superseding indictment has not yet been returned, however, the government intends to respond to the Grand Jury motion on October 30, 2019, as directed by the Court.

Wherefore, the government respectfully submits this supplemental notice regarding its intent to seek a superseding indictment from the Grand Jury.

Respectfully submitted,

JOHN C. DEMERS  
Assistant Attorney General for National Security

By: /s/  
Heather N. Alpino  
U.S. Department of Justice  
National Security Division  
950 Pennsylvania Ave. NW  
Washington, D.C. 20530  
Telephone: (202) 514-2000

JESSIE K. LIU  
United States Attorney

By: /s/  
Jonathan Kravis  
Luke Jones  
Kathryn Rakoczy  
555 Fourth Street NW  
Washington, D.C. 20530  
Telephone: (202) 252-6886